S.B. CRIMINAL REVISION PETITION NO. 885/2004

Date 21.03.2006

HON'BLE MR. BHAGWATI PRASAD,J .

Mr. Sandeep Mehta for the petitioner.
Mr. O.P. Boob, P.P.

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Heard.

The order summoning the petitioners is in the background that on the charge-sheet filed, the learned Magistrate has already taken cognizance against one Sunil. Thereafter, if additional accused were to be summoned, it was necessary that statements of witnesses were required to be recorded. That being the position, summoning the petitioners cannot be considered to be in accordance with law. The order impugned is set aside. The matter is remanded back to the learned Magistrate to proceed in accordance with law. If there is protest petition, it should record the statement of witnesses and pass necessary orders as envisaged in law.

With these observations, the revision petition is allowed as indicated above.

(BHAGWATI PRASAD), J.

bjsh